IN THE HIGH COURT OF JUDICATURE AT BOMBAY
C.A.J.
FERA APPEAL NO.3 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.Vikram Nankani i/by Nankani & Associates for the Appellants.

Mr. P.S. Jetly with Mrs.S.V. Bharucha and Ms. Hina Shah for Respondents.

CORAM : F.I. REBELLO &
R.V. MORE,JJ.
DATED : JULY 06, 2007

P.C.

. The entire submission by the appellant and the questions as framed in Para (a) and (b) of Para 1 of the appeal memo proceeds on the footing that once the R.B.I. has granted post facto sanction, the offence ceases to be an offence.

. The Petitioner by his acts violated the provisions of Section 89(1), (9)(1)(a) and 16 of the F.E.R.A. Act, 1973. There is no provision under the Act by which by effect of post facto sanction, the offence which was committed ceases to be an offence. The crucial test therefore, is as to whether on the date when the act was committed it will amount to offence. Admittedly there is no

dispute that on that date it constituted an offence. This finding has also been so recorded.

. The effect of the post facto sanction at the highest would sound in the amount of fine to be imposed by the authorities. In the instant case, we find from the impugned order that aspect has been considered and the amount of fine imposed has been reduced.

. On behalf of the respondents, the learned counsel points out that the in fact the sanction is not post facto .

. In view of that we find the question as framed in Para (1) and (b) would not amount to question of law and the appeal is not maintainable and consequently dismissed.

(R.V.MORE,J.) **(F.I. REBELLO,J.)**